



Entered on Docket
November 04, 2011

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Objection Of USACM
Liquidating Trust To Proof Of Claim No.
10725-02064-2 Filed by Neil A. and
Josephine E. Xavier In The Amount of
\$51,625.00**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the Objection Of USACM Liquidating Trust To Proof
Of Claim No. 10725-02064-2 filed by Neil A. and Josephine E. Xavier in the Amount of
\$51,625.00 [DE 9130] (the "Objection") at the hearing held on October 18, 2011;
appropriate notice of the Objection having been given; no response to the Objection having
been filed; and good cause appearing:

1 **IT IS ORDERED:**

2 1. The Objection [DE 9130] is sustained; and
3 2. Proof of Claim No. 10725-02064-2 filed by Neil A. and Josephine E. Xavier
4 in the Amount of \$51,625.00 is disallowed in its entirety because is is based upon an
5 investment in the Marquis Hotel Loan, which loan was repaid by the borrower.

6 PREPARED AND RESPECTFULLY SUBMITTED BY:

7 **LEWIS AND ROCA LLP**

8 By /s/ John Hinderaker (AZ #018024)

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15 *Attorneys for USACM Liquidating Trust*

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1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 _____ This Court has waived the requirement set forth in LR 9021(b)(1).
78 XXX No party appeared at the hearing or filed an objection to the motion.
910 _____ I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
14 party has approved, disapproved, or failed to respond to the
15 document]:16 Counsel appearing: _____
1718 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
19 copy of this order with the motion pursuant to LR 9014(g), and that
20 no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	15 <input type="checkbox"/> approved the form of this order	16 <input type="checkbox"/> disapproved the form of this order
17 <input checked="" type="checkbox"/> waived the right to review the 18 order and/or	19 <input type="checkbox"/> failed to respond to the document	
20 Other Party: _____		
	21 <input type="checkbox"/> approved the form of this order	22 <input type="checkbox"/> disapproved the form of this order
	23 <input type="checkbox"/> waived the right to review the 24 order and/or	25 <input type="checkbox"/> failed to respond to the document

26 Submitted by:
27 LEWIS AND ROCA LLP28 By: /s/ John Hinderaker. (AZ #018024)
29 Attorneys for USACM Liquidating Trust

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